

Burden Statement: It is estimated that there are presently 136 State and local agencies which are currently required to submit the ambient air quality data and quality assurance data to EPA on a quarterly basis. The current annual burden for the collection and reporting of ambient air quality data has been estimated on the existing ICR to be 1,260,887 hours, which would average out to be approximately 9,270 hours per respondent. As a part of this ICR renewal, an evaluation will be made of the labor burden associated with this activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: October 16, 1995.

William F. Hunt, Jr.,

Director, Emissions, Monitoring, and Analysis Division.

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[FRL-5319-8]

Agency Information Collection Activities Up for Renewal; Water Quality Standards Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) listed below is coming up for renewal. Before submitting the renewal package to the Office of Management and Budget (OMB), EPA is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before December 26, 1995.

ADDRESSES: Water Quality Standards Branch, U.S. EPA, 401 M Street SW., Mailcode 4305, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Karen Gourdine, Telephone Number: (202) 260-1328, Facsimile Number: (202) 260-9830.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities affected by this action are Indian Tribes that are seeking or have EPA authorization to administer the water quality standards

program contained in Section 303 of the Clean Water Act and the 50 States and 7 Territories (the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Island).

Title: Information Collection Request for the Water Quality Standards Regulation (OMB Control #2040-0049; Expiration Date: February 26, 1996).

Abstract: Water quality standards are provisions of Tribal, State, or Federal law which consist of designated uses for the waters of the United States, water quality criteria for the waters based on such uses, and an antidegradation policy to prevent the degradation of water quality. Water quality standards are established to protect the public health or welfare, protect and enhance the quality of water, and serve the purposes of the Clean Water Act ("CWA"). Such standards serve two primary purposes. First, they define water quality goals for water bodies. Second, they serve as a regulatory basis for establishing water quality-based treatment controls and strategies beyond technology-based treatment required by Sections 301 and 306 of the CWA. At a minimum, water quality standards must contain use designations for waterbodies, water quality criteria that protect the use designations, and an antidegradation policy that protect the both existing uses and high quality waters.

States are required by Federal law to establish water quality standards. Currently, CWA Section 303(c) of the CWA (33 U.S.C. 1313(c)) governs the water quality standards program. Section 303(c) requires Indian Tribes (that have received EPA authorization to administer the water quality standards program and have had their water quality standards approved by EPA) as well as States to review and revise their water quality standards at least once every three years and to submit to EPA the results of the revisions. EPA then reviews each State or Tribal submission for approval or disapproval.

The Water Quality Standards Regulation (40 CFR Part 131) is the EPA regulation governing the implementation of the water quality standards program. The Water Quality Standards Regulation (the Regulation) describes requirements and procedures for the States and Tribes to develop, review, and revise their water quality standards and for EPA to review and approve the water quality standards. Section 131.6 establishes the following minimum requirements for a water quality standards submission: (a) use

designations consistent with Section 101(a)(2) and 303(c)(2) of the Act, (b) methods used and analyses conducted to support water quality standards revisions, (c) water quality criteria sufficient to protect the designated uses, (d) an antidegradation policy consistent with 40 CFR 131.12, (e) certification by the State Attorney General or other appropriate legal authority that the water quality standards were duly adopted pursuant to State or Tribal law, and (f) information which will aid EPA in determining the adequacy of the scientific basis of the standards that do not include the uses specified in Section 101(a)(2) of the Act and information on general policies that may affect the application and implementation of the standards.

EPA's review of State and Tribal submissions is implemented through Section 131.5 of the Regulation. The review criteria are: (a) whether the adopted use designations are consistent with CWA requirements, (b) whether the criteria protect the designated water uses, (c) whether the State or Tribe has followed its legal procedures for revising or adopting standards, (d) whether the standards which do not include uses specified in Section 101(a)(2) of the Act are based on appropriate technical and scientific data and analyses, and (e) whether the submission meets the minimum elements from section 131.6 (above).

CWA Section 518(e) requires EPA to promulgate regulations specifying how Indian Tribes would qualify to administer the water quality standards program, and to establish a mechanism to resolve disputes which arise between States and Tribes over water quality standards on common waterbodies. Implementation of the regulatory revisions will likely include collection of information by EPA for purposes of determining if a Tribe is qualified to administer the water quality standards program, and determining if initiation of a formal EPA dispute resolution action is justified. Tribes are not required to apply for administering the water quality standards program, nor are Tribes/States required to request EPA assistance in resolving disputes. However, where Tribes desire to be authorized to administer the water quality standards program, or where Tribes/States desire a formal EPA dispute resolution action, information collection will be necessary.

Based on the review of their existing water quality standards, State and Tribal agencies make recommendations on any justified changes to the water quality standards. The State or Tribe must then provide an opportunity for at least one

public hearing (at least once every three years) for the purpose of receiving public input on the review and proposed revisions to the standards. Based on the record developed according to the State's or Tribe's administrative procedures requirements, the State and Tribes adopts those changes deemed justified.

The results of the review and other materials are submitted to the EPA for review (performed at the Regional offices). If the standards are consistent with the CWA, EPA must approve the standards within 60 days; if the standards are not consistent with the CWA, EPA will disapprove the standards. If the State or Tribe does not make changes necessary to the standards within 90 days, EPA may propose to promulgate a Federal regulation to remedy the disapproval.

Where an Indian Tribe desires to seek authorization for administering its own water quality standards program, the Tribe will be required to submit an application containing sufficient information for EPA to determine if the Tribe is qualified. The application includes: (a) Evidence that the Tribe is recognized by the Secretary of the Interior; (b) A narrative statement that the Tribe is currently carrying out substantial governmental duties and powers over a Federal Indian reservation; and, (c) A narrative statement of the Tribe's authority to regulate the quality of reservation waters, and a narrative statement describing the capability of the Tribe to administer an effective water quality standards program. Because the application process to seek authorization of the water quality standards program is a one-time effort on the part of Tribes, there are no reporting frequencies associated with this information submission.

Where a dispute arises between a Tribe and a State over a common waterbody, and the Tribe or State desires EPA to initiate a formal dispute resolution action, the Tribe or State will be required to submit a written request to EPA. Some of the information needed includes: (a) A statement of the alleged unreasonable consequences that have arisen due to the differing water quality standards; (b) A description of the actions which have been taken to resolve the dispute (c) An identification of the water quality standards provision(s) which has resulted in the dispute, and (d) A statement of the relief sought.

State and Tribal water quality standards are used in several ways including serving as water quality goals for each waterbody, helping Federal,

State, Tribal, and local governments develop water quality management plans and objectives, helping land use planners plan future growth helping industries make facility siting decisions, and helping State and local governments plan for and protect water supplies. Most importantly, water quality standards serve as the foundation of regulatory requirements for controlling pollutant discharges. The water quality standards program provides the basis for water quality-based pollutant controls which must be implemented where technology-based controls do not enable the water quality standards to be met. The water quality standards program also identifies situations where non-point sources need controlling and serve as the basis for establishing wasteload allocations and water quality-based permit limits for point source dischargers. If this activity were not carried out, explicit requirements of the Clean Water Act would be violated.

EPA will use the information submitted by the State or Tribes for initiation of a formal EPA dispute resolution action to determine if initiation of such a dispute resolution is justified under CWA Section 518(e). Because requesting EPA dispute resolution is optional, there are no reporting frequencies associated with any of the dispute resolution request information submission requirements. EPA assumes that requests for dispute resolution will occur only where desired by States or Tribes, and only once per dispute.

To minimize the information submission burden on States and Tribes pertaining to dispute resolution, the submission of a formal written request is not necessary where informal EPA mediation of disputes is desired. Written requests and information submission are only required where a State or Tribe desires a formal EPA dispute resolution action. Because each dispute over water quality standards will be unique, and the information required to be submitted pertains solely to the dispute it is very unlikely that Tribes will be required to re-submit information which has previously been provided when requesting an EPA dispute resolution action.

EPA has developed numerous detailed program and technical guidance documents to assist States and Tribes in reviewing their standards, performing UAAs, deriving site-specific criteria, conducting wasteload allocations, and incorporating water quality-based control requirements into National Pollution Discharge Elimination System (NPDES) permits.

EPA also provides assistance to help States and Tribes address certain water quality issues. Additionally, EPA provides a computerized system (STORET) which States and Tribes may use and which minimizes the burden to maintain records on water quality data. Furthermore, efforts have been made to reduce the burden on Tribes that choose to apply for any CWA or SDWA programs.

The information collection schedule is pursuant to the mandates of Section 303(c) of the CWA and, thus, is not adjustable by the EPA. The triennial review cycle ensures that the latest scientific and other information are reflected in the standards. Application by Indian Tribes to administer the water quality standards program is a one-time collection of information per respondent. Requests for dispute resolution also will be a one-time collection of information per respondent.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR Part 9. This ICR renewal does not involve third party and public disclosures not previously reviewed and approved by OMB.

The CWA and EPA's water quality standards regulation require reporting from 50 States and 7 commonwealths and territories, and Indian Tribes (that have developed their water quality standards and have EPA authorization to administer the water quality standards program). The reporting consists of submitting the reviewed, revised, and adopted water quality standards to EPA at least once every three years. Also, the reporting includes Tribal applications to administer the water quality standards program and State/Tribal requests for dispute resolution. The ICR renewal will not include the burden for third-party and public disclosures not previously reviewed and approved by OMB.

EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The existing estimated total annual burden to the respondents is 193,440 hours per year (based on 77 jurisdictions with 20 Indian Tribes qualifying for administer the water quality standards program). Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions, develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to: Karen Gourdine, Water Quality Standards Branch, U.S. EPA, 401 M Street SW., Mailcode 4305, Washington, DC 20460.

Dated: October 19, 1995.

Tudor T. Davies,

Director, Office of Science and Technology.

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[FRL-5318-1]

**Office of Research and Development;
Ambient Air Monitoring Reference and
Equivalent Methods; Reference and
Equivalent Method Designations**

Notice is hereby given that the EPA, in accordance with 40 CFR part 53, has designated one additional reference method and two additional equivalent methods for ambient air monitoring. The reference method is for the measurement of ambient concentrations of carbon monoxide, and the two equivalent methods are for the measurement of ambient concentrations of lead in suspended particulate matter.

The new reference method for carbon monoxide is an automated method (analyzer) which utilizes the

measurement principle based on infrared absorption combined with gas filter correlation and the calibration procedure specified in Appendix C of 40 CFR part 50. This new designated method is identified as follows:

RFCA-0995-108, "Environnement [*sic*] S.A. Model CO11M Ambient Carbon Monoxide Analyzer," operated with a full scale range of 0-50 ppm, at any temperature in the range of 15 °C to 35 °C, with a 5-micron PTFE sample particulate filter, with the following software settings: Automatic response time ON, Minimum response time set to 40 seconds (RT 13), Automatic ZERO-REF cycle programmed every 24 hours, and with or without any of the following options: RS 232-422 Interface; Internal Printer.

Note: In addition to the standard U.S. electrical power voltage and frequency (115 Vac, 60 Hz), this analyzer is approved for use, with proper factory configuration, on 50 Hertz line frequency and any of the following voltage ranges: 105-125 Vac (115 volts nominal) and 210-250 Vac (230 volts nominal).

This method is available from Environnement [*sic*] S.A., 111, bd Robespierre, 78300 Poissy, France or from Environnement [*sic*] U.S.A., 570 Higuera Street, Suite 25, San Luis Obispo, California 93401. A notice of receipt of application for this method appeared in the Federal Register, Volume 60, Number 111, June 9, 1995, page 30535.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that this method should be designated as a reference method.

The two new equivalent methods for the determination of lead in suspended particulate matter collected from ambient air are identified as follows:

(1) EQL-0995-109, "Determination of Lead Concentration in Ambient Particulate Matter by Inductively Coupled Argon Plasma-optical Emission Spectrometry (Pima County, Arizona)."

(2) EQL-0995-110, "Determination of Lead Concentration in Ambient Particulate Matter by Inductively Coupled Plasma-Mass Spectrometry (Pima County, Arizona)."

The applicant's request for equivalent method determinations for these two methods was received on June 25, 1995. These methods have been tested by the applicant, Pima County, Wastewater Management Department, Tucson, Arizona, in accordance with the test

procedures prescribed in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that these methods should be designated as equivalent methods. Both of these methods use the sampling procedure specified in the reference method for the determination of lead in suspended particulate matter collected from ambient air (40 CFR 50, Appendix G). In each of these methods, lead in the particulate matter is solubilized by extraction with nitric acid facilitated by heat. In method (1), the lead content of the sample extract is analyzed with a Leeman Labs PS-5 inductively coupled argon plasma-optical emission spectrometer operating at a frequency of 40 MHz and using the 220.353 nm lead adsorption line. In method (2), the lead content of the sample extract is analyzed with a VG PlasmaQuad 1 inductively coupled argon plasma-mass spectrometer operating at a frequency of 27 MHz. In both methods, the instrumental operating conditions have been optimized by the user-laboratory. Technical questions concerning these methods should be directed to Pima County, Wastewater Management Department, 201 North Stone Avenue, Tucson, Arizona 85701-1207.

The information submitted by these two applicants will be kept on file at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 and will be available for inspection to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated reference or equivalent method, each of these methods is acceptable for use by States and other air monitoring agencies under requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, each method must be used in strict accordance with the operation or instruction manual associated with the method or the procedures and specifications provided in the method description and subject to any limitations (e.g., operating temperature range) specified in the applicable designation (see description of the methods above). Vendor modifications of a designated method used for purposes of part 58 are permitted only with prior approval of the EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to 40 CFR part 58 (Modifications of Methods by Users).